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Attorneys for Defendants
JOHNSON & JOHNSON SERVICES, INC.; JOHNSON &
JOHNSON (erroneously sued as "Johnson & Johnson, Inc."); DEPUY
ORTHOPAEDICS, INC.; PINNACLE WEST ORTHOPAEDICS,
INC.; and GOLDEN STATE ORTHOPAEDICS, INC.

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

WILLIAM FRANCIS CONDON III,

Plaintiff,

vs.

JOHNSON & JOHNSON SERVICES,
INC.; JOHNSON & JOHNSON, INC.;
DEPUY ORTHOPAEDICS, INC.;
THOMAS SCHMALZRIED, M.D.;
PINNACLE WEST ORTHOPAEDICS,
INC.; GOLDEN STATE
ORTHOPAEDICS, INC.; AND DOES
ONE through ONE HUNDRED,

Defendants.

Case No. CV14-04645-EMC

**STIPULATION TO STAY ALL
PROCEEDINGS**

[Filed concurrently with [Proposed] Order]

Complaint Filed: August 27, 2014

TO THE COURT, ALL PARTIES, AND THEIR ATTORNEYS OF RECORD:

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The parties to this action¹, by and through the undersigned counsel, stipulate to stay all proceedings in this case pending a decision by the Judicial Panel on Multidistrict Litigation ("Panel") on the transfer of this case to *In re DePuy Orthopaedics, Inc. Pinnacle Hip Implant Products Liability Litigation*, MDL Docket No. 2244, which is currently pending before Judge Ed Kinkeade in the United States District Court for the Northern District of Texas. A stay of this action will preserve the resources of the Court and all the parties involved. All parties agree that a stay of proceedings is necessary and appropriate to achieve the judicial economies that underlie 28 U.S.C. § 1407 and that the burden of duplicative litigation weighs heavily in favor of staying proceedings pending MDL transfer.

The parties further stipulate that deadlines to any outstanding responsive pleading are extended pending entry of a Scheduling Order in the MDL court addressing responsive pleadings and the deadline to file any remand motion is extended pursuant to the MDL court's August 14, 2012 "Order Regarding Cases Removed from State Court," and any subsequent orders that the MDL Court may issue.

For the foregoing reasons, the parties respectfully request that the Court grant their stipulation to stay all proceedings in this action pending its likely transfer to MDL 2244.

Respectfully submitted,

Dated: October 23, 2014

**WALKUP MELODIA KELLY &
SCHOENBERGER**

By /s/ Spencer Pahlke
Khalidoun A. Baghdadi
Spencer Pahlke
Attorney for Plaintiff WILLIAM FRANCIS

¹ Although Johnson & Johnson Services, Inc., Johnson & Johnson (erroneously sued as "Johnson & Johnson, Inc."), Thomas Schmalzried, M.D., Pinnacle West Orthopaedics, Inc. and Golden State Orthopaedics, Inc. join in the filing of this stipulation, Johnson & Johnson Services, Inc., Johnson & Johnson, Thomas Schmalzried, M.D., Pinnacle West Orthopaedics, Inc. and Golden State Orthopaedics, Inc. expressly preserve all of their defenses, including lack of personal jurisdiction. Johnson & Johnson Services, Inc., Johnson & Johnson, Thomas Schmalzried, M.D., Pinnacle West Orthopaedics, Inc. and Golden State Orthopaedics, Inc. recognize that the MDL court will be best suited to oversee all overlapping issues in the Pinnacle Cup System cases.

CONDON III

Dated: October 23, 2014

BARNES & THORNBURG LLP

By /s/ Alexander G. Calfo

Alexander G. Calfo

Kelley S. Olah

Gabrielle Anderson-Thompson

Attorneys for Defendants

JOHNSON & JOHNSON SERVICES, INC.;

JOHNSON & JOHNSON (erroneously sued as
"Johnson & Johnson, Inc."); DEPUY

ORTHOPAEDICS, INC.; PINNACLE WEST
ORTHOPAEDICS, INC.; and GOLDEN STATE
ORTHOPAEDICS, INC.

Dated: October 23, 2014

SEDGWICK LLP

By /s/ Christopher P. Norton

Ralph A. Campillo

Wendy A. Tucker

Christopher P. Norton

Attorneys for Defendant

THOMAS SCHMALZRIED, M.D.

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ONE through ONE HUNDRED,

Defendants.

Case No. CV14-04645-EMC

**[PROPOSED] ORDER RE STIPULATION
TO STAY ALL PROCEEDINGS**

Complaint Filed: August 27, 2014

TO ALL PARTIES, AND THEIR ATTORNEYS OF RECORD:

Upon consideration of the Stipulation to Stay Proceedings submitted by Plaintiff
WILLIAM FRANCIS CONDON III, and Defendants JOHNSON & JOHNSON SERVICES,
INC., JOHNSON & JOHNSON (erroneously sued as "Johnson & Johnson, Inc."), DEPUY
ORTHOPAEDICS, INC., PINNACLE WEST ORTHOPAEDICS, INC., GOLDEN STATE
ORTHOPAEDICS, INC., and THOMAS P. SCHMALZRIED, M.D. (hereafter collectively "the

Parties”); upon consideration of all documents, files, and pleadings in this action; and upon good cause shown, it is hereby ORDERED that:

1. The Parties’ request for a stay of proceedings is GRANTED;
2. All proceedings in this action are hereby stayed, pending a decision by the Judicial Panel on Multidistrict Litigation on whether this case should be transferred to In re DePuy Orthopaedics, Inc. Pinnacle Hip Implant Products Liability Litigation, MDL Docket No. 2244.
3. Deadlines relating to any outstanding responsive pleading are extended pending entry of a Scheduling Order in the MDL court addressing responsive pleadings and the deadline to file any remand motion is extended pursuant to the MDL court’s August 14, 2012 “Order Regarding Cases Removed from State Court,” and any subsequent orders that the MDL Court may issue.

PURSUANT TO STIPULATION, IT IS SO ORDERED.

Dated: 10/27, 2014

